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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|-----------------------|---------------------|------------------|
| 10/526,107  | 02/28/2005  | Barbara J. Rechterman | 15569-0007          | 2757             |
| 7590  | 03/20/2008  |                       | EXAMINER            |                  |
| Kaare D Larson<br>Gallagher & Kennedy<br>2575 East Camelback Road<br>Phoenix, AZ 85016-9225 |             |                       | JEAN, FRANTZ B      |                  |
|   |             |                       | ART UNIT            | PAPER NUMBER     |
|   |             |                       | 2154                |                  |
|   |             |                       | MAIL DATE           |                  |
|   |             |                       | 03/20/2008          | PAPER            |
|   |             |                       | DELIVERY MODE       |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/526,107             | RECHTERMAN ET AL.   |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Frantz B. Jean         | 2154                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 13 December 2007.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-26 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/13/07</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
|   | 6) <input type="checkbox"/> Other: _____.                         |

## **DETAILED ACTION**

This office action is in response to applicant's response filed on 12/13/07. Claims 1-26 are still pending in this application.

### **Information Disclosure Statement**

The information disclosure statement (IDS) submitted on 12/13/07 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### **Claim Objections**

Claims 4 and 5 are objected to because of the following informalities: claims 4 and 5 recite further comprising steps. However, they, indicate letter "f" consequently. Appropriate correction is required.

During patent examination, the pending claims have been "given their broadest reasonable interpretation consistent with the specification." See The Federal Circuit's en banc decision in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005).

### **Claim Rejections. 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21 (2) of such treaty in .the English language.

Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Katsikas US publication Number 2003/0191969 A1.

As per claims 1, 2, 6, and 11, Katsikas teaches a proxy email computer installation (par 0105, 0107, 0109-0110) including:

A database (fig 2, elements 204, 216)in computer memory associating a customer's identification, a customer actual email and a customer's proxy email address (fig 2 and 10-11; par 0092); an email server (102) ....; a computer executable code on a computer usable medium or media providing: first programming to retrieve a customer's actual email address ... (par 0092-0094); second programming to forward (redirector 203) a second email message to the customer's actual email address; and a connection to a communication link forwarding (106) the second email message to the customer's actual email addresses (fig 1-2 and 10-11 ; par 0043-0045; 0092-0094 and 0100).

As per claims 3-5, Katsikas teaches recording proxy email address in a database ... ; looking up customer's actual email address; causing a web page to be displayed; receiving a second email from the customer; and forwarding the second to a third party identified by the customer (fig 1-2 and 10-11; par 0043-0045; 0092-0094 and 0100).

As per claims 7-10, 13-14, Katsikas discusses filtering email as customer's choice, blocking email addressed to the proxy (see par 0026, 0028-0029 and 0111).

All the remaining claims 12 and 15-26 recite copying content of email, checking for incoming emails, deleting email, receiving non-email message, alerting customer to the receipt of non-email message, and saving proxy address into Whois data for domain name (fig 1-2, 6-7; abstract; par 0037, 0043-45, 0100 and par 0104).

### ***Response to Arguments***

Applicant's arguments filed 12/13/07 have been fully considered but they are not persuasive.

Applicants argued that Katsikas does not qualify as prior art for this application because the provisional application "937" and the parent application "894" lack pertinent details such as proxy email as recited by Katsikas '969".

Examiner submits that although Katsikas does not elaborate on email proxy, this feature is included in SpamKapu software (see pages 7-8 of "937"; fig 1-8).

As a server-side software package or online service SUBSCRIBERs are added to SpamKapu system. Each SUBSCRIBER is provided with a PSM, ASM,

and UMM and an SKE.

The SUBSCRIBER changes appropriate setting on their email software to accomplish the following:

Use current Interact standards (currently POP3 or IMAP4) to retrieve mail from both the PSM and ASM

Redirect email sent to their current email address to their SKE instead OR set the email reply-to address to their SKE. Use the SMTP manager to handle the sending of all email. Any email sent to the SKE is processed by the redirector as described above.

Any email sent by the SUBSCRIBER through the ASL manager (via the SMTP manager) and processed as described above.

The user can retrieve email from the ASM at any time using Internet standards (currently POP3 or IMAP4). The user can retrieve email from the PSM at any time using Internet standards (currently POP3 or IMAP4) user other software that can delete, further filter, or altogether discard the contents.

SUBSCRIBERS may interact with the UMM at any time.

Examiner concludes that although some of the contents of the provisional application and The CIP are different, The features and elements needed to reject the present application are similar in both references. Therefore, Katsikas qualifies as prior art to reject the claims of the instant application. Accordingly, the rejection is maintained.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz B. Jean whose telephone number is 571-272-3937. The examiner can normally be reached on 8:30-6:00 M-f. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call

800-786-9199 (IN USA OR CANADA) or 571-272-1000

/Frantz B. Jean/

Primary Examiner, Art Unit 2154